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Attorneys for Plaintiffs,
UMG RECORDINGS, INC.; ARISTA RECORDS
LLC; ELEKTRA ENTERTAINMENT GROUP
INC.; CAPITOL RECORDS, INC.; LAFACE
RECORDS LLC; SONY BMG MUSIC
ENTERTAINMENT; and MOTOWN RECORD
COMPANY, L.P.

E-FILED - 7/22/08

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UMG RECORDINGS, INC., a Delaware
corporation; ARISTA RECORDS LLC, a
Delaware limited liability company; ELEKTRA
ENTERTAINMENT GROUP INC., a Delaware
corporation; CAPITOL RECORDS, INC., a
Delaware corporation; LAFACE RECORDS
LLC, a Delaware limited liability company;
SONY BMG MUSIC ENTERTAINMENT, a
Delaware general partnership; and MOTOWN
RECORD COMPANY, L.P., a California
limited partnership,

Plaintiffs,

v.

JOHN DOE,

Defendant.

CASE NO. 5:07-CV-06033-RMW

Honorable Ronald M. Whyte

**EX PARTE APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND ORDER**

1 Plaintiffs respectfully request that the Court continue the case management conference
2 currently set for July 25, 2008 at 10:30 a.m. to September 26, 2008. As further explained below,
3 Plaintiffs have discovered the identity of the Doe defendant in this case and the parties have reached
4 a provisional settlement. In support of their request, Plaintiffs state as follows:

5 1. The initial case management conference is set for July 25, 2008 at 10:30 a.m.
6 Plaintiffs have requested, and the court granted, one previous continuance of the case management
7 conference in this matter on March 19, 2008.

8 2. Plaintiffs filed their Complaint for Copyright Infringement against Defendant John
9 Doe ("Defendant") on November 29, 2007. Plaintiffs did not have sufficient identifying information
10 to name the defendant individually in the Complaint, but were able to identify Defendant by the
11 Internet Protocol address assigned by Defendant's Internet Service Provider ("ISP").

12 3. In order to determine Defendant's true name and identity, Plaintiffs filed their *Ex*
13 *Parte* Application for Leave to Take Immediate Discovery on November 29, 2007, requesting that
14 the Court enter an Order allowing Plaintiffs to serve a Rule 45 subpoena on the ISP.

15 4. Although the Court had not yet ruled on Plaintiffs' *Ex Parte* Application for Leave to
16 Take Immediate Discovery, Defendant nevertheless contacted Plaintiffs through an attorney.
17 Defendant was notified by the ISP of the potential lawsuit against her, and in response, Defendant
18 identified herself to Plaintiffs; thereafter, settlement discussions began. Accordingly, Plaintiffs filed
19 a Notice of Withdrawal of their *Ex Parte* Application for Leave to Take Immediate Discovery on
20 March 17, 2008.

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1 5. The parties have agreed upon a settlement, and Defendant just recently returned a
2 signed settlement agreement to Plaintiffs. Thus, a case management conference is unnecessary at
3 this time. Plaintiffs therefore respectfully request that the Court continue the case management
4 conference currently set for July 25, 2008 at 10:30 a.m. to September 26, 2008.

5 Dated: July 17, 2008

HOLME ROBERTS & OWEN LLP

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7 By: /s/ Dawniell Alise Zavala
8 DAWNIELL ALISE ZAVALA
9 Attorney for Plaintiffs

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11 **¶ ORDER**

12 Good cause having been shown:

13 **IT IS ORDERED** that the case management conference currently set for July 25, 2008 at
14 10:30 a.m. be continued to September 26, 2008.

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18 Dated: 7/22/08

By: Ronald M. Whyte
Honorable Ronald M. Whyte
United States District Judge